

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JOSEPH A. GLASCOCK,**

**Petitioner,**

**v.**

**No. CV 11-1025 WJ/LAM**

**NEW MEXICO CORRECTIONS DEPT., et al.,**

**Respondents.**

**ORDER**

**THIS MATTER** is before the Court on Petitioner's *Motion to Reopen Matter of Law* (*Doc. 7*), filed July 9, 2012. Plaintiff filed his complaint on November 18, 2011 [*Doc. 1*], and, on November 29, 2011, the undersigned entered an *Order to Cure Deficiency* (*Doc. 3*) which ordered Petitioner to either pay the filing fee or seek leave to proceed *in forma pauperis* ("IFP"), and notified Petitioner that his case could be dismissed for failing to do so. On April 9, 2012, the Court dismissed Petitioner's petition for writ of habeas corpus for failure to pay the filing fee or seek leave to proceed IFP. [*Doc. 5*]. In his motion to reopen, Petitioner alleges that he paid the filing fee and that he never received a copy of the order to cure deficiency. [*Doc. 3*]. The docket reflects that the order to cure deficiency was mailed to Petitioner at his address of record, and the docket contains no indication that the filing fee has been received by the Court. The Court will allow Petitioner to substantiate his allegation of payment. Alternatively, Petitioner may pay the \$5.00 filing fee or request leave to proceed under 28 U.S.C. § 1915. The case will not be reopened except upon Petitioner's compliance with this Order.

**IT IS THEREFORE ORDERED** that, **within fourteen (14) days from entry of this Order**, Petitioner must substantiate his allegation of payment; alternatively, Petitioner may pay the \$5.00 fee or request leave to proceed IFP.

**IT IS FURTHER ORDERED** that the Clerk of the Court is directed to mail to Petitioner, together with a copy of this order, a copy of an application to proceed *in forma pauperis*.

**IT IS SO ORDERED.**

  
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**HONORABLE LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**